

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4425 of 1983

with

SPECIAL CIVIL APPLICATION No 4426 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PRAFULCHANDRA P UPADHYAY

Versus

TALUKA DEVELOPMENT OFFICER

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Appearance: In both the Special Civil Applications:

MR RAVI R TRIPATHI for Petitioner

None present for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/11/96

ORAL JUDGEMENT

1. Heard learned counsel for the petitioners and perused the Special Civil Applications.

2. The petitioner filed an application today in the court in which the prayer has been made for amendment of

the Special Civil Application. I have gone through the contents of the said application and I find therefrom that in fact and substance by this application the petitioner sought to brought on record the subsequent developments and events which have taken place after filing of this Special Civil Application. The petitioner has also filed two documents alongwith this application. Taking into consideration the fact that it is an application to bring on record the subsequent developments and events which have taken place after filing of this Special Civil Application, the said application is allowed and the events and developments which have taken place and the documents filed alongwith this application are taken into consideration.

3. The matter relates to agricultural land comprising Survey No.282 situated at Village Lajpore, Tal. Chaurasi. The petitioners in both the cases prayed for grant of N.A. permission in respect of the aforesaid land and the Taluka Development Officer, Chaurasi, Dist. Surat granted the said permission. The matter has been taken up in the appeal by the respondent no.2 and the N.A. permission granted by the Taluka Development Officer has been set aside which order is being challenged in these Special Civil Applications. The N.A. permission which has been granted by the Taluka Development Officer under its order dated 18th March, 1981 was cancelled on two grounds by the respondent no.3, firstly that the land in question is not situated within the agricultural zone and secondly the petitioners have not produced the zoning certificate from the Surat Urban Development Authority. The petitioner has brought on record the document, the Government notification dated 4th July, 1989 which was published in the Government gazette on 5th July, 1989 under which the final development plan for the Surat Urban Development Area has been varied and the land which is subject matter of these Special Civil Applications was released from the Agricultural zone and was designated as General Industrial zone. The petitioner has further produced the zoning certificate issued on 21st January, 1992 by the Surat Urban Development Authority wherein it has been mentioned that the land bearing Survey no.282 is included in the Industrial zone. In view of these two subsequent developments and events which have taken place after filing of these Special Civil Applications, I am satisfied that the same has to be considered and a fresh consideration has to be given to the matter by the respondent no.3.

4. In the result, both these Special Civil

applications are allowed and the order dated 23th May, 1984, annexure `C' in both these petitions made by respondent no.3 is quashed and set aside and the matter is remanded back to the said authority with the direction to consider the matter afresh in accordance with law after taking into consideration the subsequent events and developments which have taken place after passing the impugned order. The office is directed to send the copy of the application of the petitioner dated 20th September, 1996 alongwith the writ to the respondent no.3. Rule is made absolute in the aforesaid terms with no order as to costs.

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